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NSC FOR ABRAMS/DORAN/MARCHESE/HARDING

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SUBJECT: UPDATE ON TRIBUNAL: DOCUMENTS SIGNED, GOL
REQUESTS TO UN DELAYED

REF: BEIRUT 0002

Classified By: Jeffrey Feltman, Ambassador, per 1.4 (b) and (d).

TRIBUNAL DOCUMENTS SIGNED,
FORWARDED TO UN

¶1. (C) At a meeting with the Ambassador on 1/6, Minister of Justice Charles Rizk confirmed that MOJ Omar Natour signed the two English-language documents related to the Special Tribunal for Lebanon: the tribunal's statute and the agreement on its establishment between the UN and GOL. MOJ delivered the documents to UN envoy Geir Pedersen's office on 1/5 to forward to New York for signature by UN/OLA staff, Rizk said.

RIZK STILL MUSING
ABOUT DAMASCUS TRIP

¶2. (S) As he had earlier (reftel), Rizk argued that he should travel quietly to Damascus to explore what is needed for a deal. Rizk also expressed the desire to try to pitch the Syrians on the argument that the tribunal -- given the high judicial standards to be followed -- was actually a better approach for them than the UNIIIC, "which can say and do almost anything." If the Syrians fear politically motivated actions, then they should welcome the transparency and professionalism that a tribunal will bring. They are frightened by the tribunal's establishment, when in fact it should be reassuring. Noting that the tribunal wouldn't be reassuring to anyone who is guilty, the Ambassador again pushed against any move that the Syrians could interpret as giving them a veto over the tribunal.

HAMADEH SAYS GOL WILL DELAY
REQUEST FOR UNSC ACTION

¶3. (C) In a separate meeting on 1/6, Minister of Communications Marwan Hamadeh told the Ambassador that, for now, the GOL will hold off sending a request to the UN Security Council regarding the tribunal. Instead, Hamadeh said, GOL officials will try all means to get the tribunal passed constitutionally. Thus, the 70 March 14 MPs are petitioning Parliament Speaker Berri for a special session of parliament, using the media to cite constitutional obligations on convening parliament, passing messages directly and via intermediaries, and so on. The GOL now intends to approach the UNSC only after exhausting all possible means inside Lebanon. In Hamadeh's view, this

approach has two advantages: first, it avoids any request to the UNSC in January, during the Russian the presidency. Second, it makes the GOL case stronger, to be able to cite the measures tried. Hamadeh welcomed the Ambassador's suggestion that, if the GOL does decide to ask for UNSC action regarding the tribunal, the GOL in the same letter also request UNIIIC extension to such time when the tribunal becomes operational.

MURR CITES FEARS OF SYRIAN RETALIATION
TO ESTABLISHMENT OF SPECIAL TRIBUNAL

¶4. (S) Deputy Prime Minister and Defense Minister Elias Murr, in a 1/5 meeting with the Ambassador (prior to Murr's 1/6 departure to Switzerland for more surgery related to the July 2005 car bomb attack against him), cautioned strongly against the UNSC invoking Chapter VII to create the special tribunal. Syria, Murr said, will react to UNSC Chapter VII action by "destroying" Lebanon. The Syrians, he argued, will unleash "their worst" -- killing Lebanese officials, using Sunni extremist groups (not Hizballah) to attack western embassies and other western targets, and so on. The UNSC, he argued, must promote a Lebanese solution to the tribunal. French Ambassador Bernard Emie told us that, when Murr hosted French Defense Minister Michele Alliot-Marie over the New Year's weekend, he was even more alarmist. Murr told his French counterpart that the establishment of the special tribunal even by Lebanese constitutional means will provoke a Syrian reaction that will endanger Lebanon.
FELTMAN